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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,410	10/23/2003	Craig Ivan Soper	6824.01	8510

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EXAMINER

PHAM, HUNG Q

ART UNIT	PAPER NUMBER
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2168

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/692,410	Applicant(s) SOPER ET AL.	
	Examiner HUNG Q. PHAM	Art Unit 2168	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 32-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 32-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/647,346.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/674,346, filed on 02/21/2001.

### ***Duplicate Claims, Warning***

Applicant is advised that should claim 32 be found allowable, claim 1 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 41-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claims 41-49 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential element, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted element is *a computer readable medium* to embody the computer program as recited in claim 50.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 41-50 are rejected under 35 U.S.C. 101 because the claimed invention is the disclosed invention is inoperative and therefore lacks utility.**

Claims 41-50 direct to a computer program. A computer program cannot contain hardware as recited in the claim, e.g. memory, retrieval device, an updating device in claim 41.

**Claims 1 and 32-59 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

As set forth in MPEP 2106 (IV)(B)(2)(b)(ii):

For such subject matter to be statutory, the claimed process must be limited to a practical application of the abstract idea or mathematical algorithm in the technological arts. See *Alappat*, 33 F.3d at 1543, 31 USPQ2d at 1556-57 (quoting *Diamond v. Diehr*, 450 U.S. at 192, 209 USPQ at 10). See also *Alappat* 33 F.3d at 1569, 31 USPQ2d at 1578-79 (Newman, J., concurring) ("unpatentability of the principle does not defeat patentability of its practical applications") (citing *O'Reilly v. Morse*, 56 U.S. (15 How.) at 114-19). A claim is limited to a practical application when the method, as claimed, produces a concrete, tangible and useful result; i.e., the method recites a step or act of producing something that is concrete, tangible and useful. See *AT & T*, 172 F.3d at 1358, 50 USPQ2d at 1452. Likewise, a machine claim is statutory when the machine, as claimed, produces a concrete, tangible and useful result (as in *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601) and/or when a specific machine is being claimed (as in *Alappat*, 33 F.3d at 1544, 31 USPQ2d at 1557 (\**> en< banc*). For example, a computer process that simply calculates a mathematical algorithm that models noise is nonstatutory. However, a claimed process for digitally filtering noise employing the mathematical algorithm is statutory.

The claimed process and system as recited in claims 1 and 32-59, especially claims 1, 32, 41 and 51, do not produce a useful result.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 32-38, 41-47 and 50-57 are rejected under 35 U.S.C. 102(b) as being anticipated by Hidaka [USP 5,452,411].**

Regarding claims 1, 32, 41, 50 and 51, Hidaka teaches *a spatial management system* (Abstract) comprising:

*a memory in which is maintained a spatial database of position data representing the location of one or more objects* (Col. 4, Lines 56-62, and Col. 6, Lines 7-9);

*retrieval means arranged to retrieve the position data representing one or more objects from the spatial database* (Col. 7, Lines 15-20);

*display means arranged to display to a user a graphical spatial representation of one or more objects generated from the position data* (FIG. 12, Col. 7, Lines 31-36);

*editor means arranged to enable the user to edit the graphical spatial representation displayed by the display means* (Col. 16, Lines 13-63);

*updating means arranged to store in the spatial database position data representing the edited spatial representation* (Col. 17, Lines 8-52, especially Lines 47-52).

Regarding claims 33, 42 and 52, Hidaka teaches all the claim subject matters as discussed above with respect to claims 32, 41 and 51, Hidaka further discloses *the position data*

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*comprises one or more data sets, each data set representing the geographic co-ordinates of one object* (Col. 6, Lines 45-55).

Regarding claims 34, 43 and 53, Hidaka teaches all the claim subject matters as discussed above with respect to claims 33, 42 and 52, Hidaka further discloses *each data set defines a polygon having three or more vertices representing the object, each data set defining the geographic co-ordinates of the vertices of the polygon* (Col. 6, Lines 25-55).

Regarding claims 35, 44 and 54, Hidaka teaches all the claim subject matters as discussed above with respect to claims 32, 41 and 51, Hidaka further discloses *the editor is arranged to enable the user to alter the location of one or more objects* (Col. 16, Lines 13-63).

Regarding claims 36, 45 and 55, Hidaka teaches all the claim subject matters as discussed above with respect to claims 32, 31 and 51, Hidaka further discloses *the editor is arranged to enable the user to add objects to or delete objects from the spatial database* (objects are added to the spatial database is illustrated at Col. 6, Lines 14-55).

Regarding claims 37, 46 and 56, Hidaka teaches all the claim subject matters as discussed above with respect to claims 32, 41 and 51, Hidaka further discloses *the position data further comprises an object identifier for each object* (Col. 6, Lines 14-55, TABLE 2).

Regarding claims 38, 47 and 57, Hidaka teaches all the claim subject matters as discussed above with respect to claims 37, 46 and 56, Hidaka further discloses *the position data further comprises temporal data, and the retrieval device is arranged to retrieve position data based in part on the temporal data* (Col. 7, Lines 59-68 and 15-20).

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 39, 48 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hidaka [USP 5,452,411] as applied to claims 32, 41 and 51, and further in view of Temma et al. [USP 4,947,322].**

Regarding claims 39, 48 and 58, Hidaka teaches all the claim subject matters as discussed above with respect to claims 32, 41 and 51, the missing of Hidaka technique is the claimed *the spatial database represents the commercial premises of a merchant, the display arranged to display a graphical spatial representation of the premises of the merchant*. Temma teaches a spatial system and further discloses *the spatial database represents the commercial premises of a merchant* (Temma, FIG. 3, Col. 3, Lines 63-65), and *the display arranged to display a graphical spatial representation of the premises of the merchant* (Temma, FIG. 6, Col. 4, Lines 36-41). As suggested by Hidaka, items of database

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could be something else (Hidaka, Col. 6, Lines 15-19). Thus, the Hidaka database could be modified to store the floor layout position data and displaying the layout as taught by Temma, and by modifying, a floor layout could be designated and re-used.

**Claims 40, 49 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hidaka [USP 5,452,411] and Temma as applied to claims 39, 48 and 59, and further in view of SeePower MAL<sup>1</sup>.**

Regarding claims 40, 49 and 59, Hidaka and Temma, in combination, teach all of the claimed subject matter as discussed above with respect to claims 39, 48 and 58, but fail to teach *the merchant operates a casino or gaming venue comprising one or more gaming machines and/or gaming tables, the position data in the spatial database representing the location of one or more gaming machines and/or gaming tables*. SeePower MAL is a system and method for maintaining and managing gaming machines on a casino floor, and the position data in the spatial database representing the location of one or more gaming machines. As suggested by Hidaka, items of database could be something else (Hidaka, Col. 6, Lines 15-19). Thus, the Hidaka database could be modified to store position data of gaming machines of a casino and displaying the layout as taught by Temma, and by modifying, a floor layout of a casino could be designated and re-used.

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<sup>1</sup> SeePower MAL is an IDS reference and discloses a system and method for maintaining and managing gaming machines on a casino floor. This IDS reference was filed in application 09/674,346.



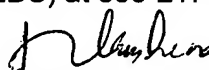
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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIM T. VO can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HUNG Q PHAM  
Examiner  
Art Unit 2168

April 27, 2006